IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 22929 of 2004(D)

OS.235/1996 OF MUNSIFF COURT, PARAPPANANGADI

PETITIONER:

KOTTODAN KUNHELUMBAN, S/O.CHATHAN,
KANNAMANGALAM, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

1. **KOTTADAN KOTTAN, S/O.KARIKUTTY,**
   ANTHIYURKUNNU, THIRURANGADI TALUK,
   MALAPPURAM DISTRICT.
2. **KOTTADAN KUNHI, D/O.KARIKUTTY,**
   DO. DO.
3. **KOTTADAN NANGEELI, D/O.KARIKUTTY,**
   DO. DO.
4. **KOTTADAN KOLATHI, D/O.KARIKUTTY,**
   DO. DO.
5. **KOTTADAN UNNIPPERI, S/O.KARIKUTTY,**
   DO. DO.
6. **KOTTADAN LAKSHMY, D/O.KARIKUTTY,**
   DO. DO.
7. **CHAKKY, W/O.KOTTADAN KARIKUTTY,**
   DO. DO.
8. **KOTTADAN KARIKUTTY, S/O.NADIKUTTY,**
   DO. DO.
9. **KOTTADAN NEELANDAN, S/O.NADIKUTTY,**
   DO. DO.

10. KOTTADAN KANNANKUTTY, S/O.CHOOLAN,
DO. DO.

11. KOTTADAN KOTTAN, S/O.CHOOLAN,
DO. DO.

12. KOTTADAN UNNIPPERI, S/O.KARIKUTTY,
DO. DO.

13. KOTTADAN KUNHAN, S/O.KARIKUTTY,
DO. DO.

14. KOTTADAN KOLATHI, D/O.KANNANKUTTY,
DO. DO.

15. KOTTADAN LAKSHMI, D/O.KANNANKUTTY,
DO. DO.

16. KOTTADAN PARVATHI, D/O.KANNANKUTTY,
DO. DO.

17. KOTTADAN JALAJA, D/O.KANNANKUTTY,
DO. DO.

18. KOTTADAN NEELANDAN, S/O.KANNANKUTTY,
DO. DO.

19. NADICHI, W/O.KOTTADAN KANNANKUTTY,
DO. DO.

20. THANKA, D/O. KOTTADAN CHATHAN,
DO. DO.

21. BINDU, D/O.KOTTADAN CHATHAN,
DO. DO.

22. SARALA, D/O.KOTTADAN CHATHAN,
DO. DO.

23. SASI, S/O.KOTTADAN CHATHAN,
DO. DO.

24. KOTTADAN KOLAVAN, S/O.CHANGARAN,
DO. DO.

25. KOTTADAN CHOOLAN, S/O.CHANGARAN,
DO. DO.

26. KOTTADAN VELAYUDHAN, S/O.CHANGARAN,
DO. DO.

27. KOTTADAN UNNIPPERI, S/O.CHANGARAN,
DO. DO.

28. KOTTADAN VALIYA CHAKKI,
D/O.CHANGARAN, DO. DO.

29. KOTTADAN KUNHAPPA, S/O.CHANGARAN,
DO. DO.

BY ADV. SRI.S.V.BALAKRISHNA IYER - R16 TO R19, R24 TO R26, R28 AND 29
SRI.K.JAYAKUMAR
SRI.HARISH R. MENON
GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO:22929/2004 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PLAINT IN OS NO. 235/96, MUNSIFF COURT, PARAPPANANGADI DT. 4/11/96.

EXT.P2. COPY OF THE WRITTEN STATEMENT IN -DO- DT. 6/10/97.

EXT.P3. COPY OF THE IA NO. 1096/04 IN -DO- DT. 13/7/04.

EXT.P4. COPY OF THE ORDER IN -DO- DT. 16/7/04.

EXT.P5. COPY OF THE APPLICATION IN IA NO. 1385/03 IN OS NO. 235/96 DT. 30/10/03.

EXT.P6. COPY OF THE IA NO. 1197/04 IN -DO- DT. 28/07/04.

EXT.P7. COPY OF THE ORDER IN -DO- DT. 30/07/04.

True copy

tga

KURIAN JOSEPH J.

W.P.(C) No.22929 of 2004

Dated 4th July, 2007.

J U D G M E N T

Petitioner is aggrieved by Exts.P4 and P7 orders passed on Exts.P3 and P6 applications in O.S.235/96 on the file of the Munsiff Court, Parappanangadi. Petitioner is the 21st defendant in the suit. The suit is one for partition. Exts.P3 and P6 applications were filed calling for documents and reception of certain documents. The trial court dismissed the applications mainly on the ground that the request was highly belated and the apparent motive was to protract the proceedings. The writ petition itself has been pending before this Court for the last more than three years. Having heard the counsel on both sides, I am of the view that it is only in the interests of justice that the applications are allowed as prayed for, since no serious prejudice as such would be caused to any of the parties, if the applications are allowed. Accordingly, Exts.P3 and P6 applications are allowed. The trial court is directed to dispose of the suit within six months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 4th July, 2007.